

1 MICHAEL R. SIMMONDS  
2 (SBN 96238)  
3 TOMIO B. NARITA  
4 (SBN 156576)  
5 SIMMONDS & NARITA LLP  
6 44 Montgomery Street, Suite 3010  
7 San Francisco, CA 94104-4816  
8 Telephone: (415) 283-1000  
9 msimmonds@snllp.com  
10 tnarita@snllp.com

11 MICHAEL J GORBY  
12 (Pro Hac Vice)  
13 MARY DONNE PETERS  
14 (Pro Hac Vice)  
15 GORBY, PETERS &  
16 ASSOCIATES LLC  
17 Two Ravinia Drive, Suite 1500  
18 Atlanta, Georgia 30346  
19 Telephone: (404) 239-1150  
20 mgorby@gorbypeters.com  
21 mpeters@gorbypeters.com

22 *Attorneys for Defendant Libre By  
23 Nexus, Inc.*

24 JEFFREY KALIEL,  
25 California Bar No. 238293  
SOPHIA GOREN,  
California Bar No. 307971  
TYCKO & ZAVAREEI LLP  
1828 L Street, N.W., Suite 1000  
Washington, D.C. 20036  
Tel.: (202) 973-0900  
Fax: (202) 973-0950  
jkaliel@tzlegal.com  
sgoren@tzlegal.com

26 ANNICK M. PERSINGER,  
27 California Bar No. 272996  
TYCKO & ZAVAREEI LLP  
28 483 Ninth Street, Suite 200  
Oakland, CA 94607  
Telephone (510) 254-6808  
Facsimile (202) 973-0950  
apersinger@tzlegal.com

29 *Attorneys for Plaintiffs*

30 UNITED STATES DISTRICT COURT  
31 NORTHERN DISTRICT OF CALIFORNIA

32 JUAN QUINTANILLA VASQUEZ  
33 and GABRIELA PERDOMO ORTIZ,  
34 and VICTOR HUGO CATALAN  
35 MOLIN, individually and on behalf of  
36 all others similarly situated,

37 Plaintiffs,  
38 vs.

39 LIBRE BY NEXUS, INC. and JOHN  
40 DOES 1-50,

41 Defendants.

42 CASE NO.: 4:17-cv-00755-CW

43 **ORDER ON STIPULATION FOR  
44 STAY OF DISCOVERY PENDING  
45 PRIVATE MEDIATION AND  
46 REQUEST FOR ORDER  
47 CONTINUING DEADLINES AND  
48 HEARINGS WITH RESPECT TO  
49 PENDING MOTIONS**

50 VASQUEZ, et. al. v. LIBRE BY NEXUS, INC. (CASE NO.: 4:17-cv-00755-CW)  
51 ON STIPULATED REQUEST FOR STAY AND CONTINUANCE ETC.

1        The Court, having considered the stipulation of the parties to stay discovery  
2 temporarily while the parties pursue settlement through private mediation, the  
3 parties' request for an order continuing the deadlines previously set by the Court  
4 for briefing on the pending Motion to Compel Arbitration and Motion to Dismiss  
5 Counts V and VI of the Second Amended Complaint, and the parties' request that  
6 the Court remove the hearing set for such motions from the Court's October 3,  
7 2017 calendar and reset the hearing for such motions in the event the parties are  
8 unable to resolve this action through private mediation, and good cause appearing,  
9

10      **IT IS HEREBY ORDERED:**

11      1.     The hearing on the Motion to Compel Arbitration (Doc. 35) and  
12 Motion to Dismiss (Doc. 41) set on 10/3/17 is taken off calendar, pending the  
13 parties' good faith effort to settle this action through private mediation, such  
14 motions to be reset by the Court in the event that the case is not resolved through  
15 mediation.

16      2.     The Court's prior referral of this case to the Mediation ADR Program  
17 shall be withdrawn upon completion by the parties of private mediation.

18      3.     In the event mediation is not successful and the parties reach an  
19 impasse, the parties shall meet and confer on outstanding discovery scheduling and  
20 outstanding discovery disputes within ten days following the mediation.

21      4.     In the event mediation is not successful and the parties reach an  
22 impasse, Plaintiffs shall file their opposition to Defendant's Motion to Compel  
23 Arbitration within sixty (60) days after the mediation, and Defendant shall file its  
24 reply memorandum within 20 days thereafter.

1       5. In the event mediation is not successful, Defendant shall file its reply  
2 memorandum in support of its Motion to Dismiss within sixty (60) days after the  
3 mediation.

4       6. The parties shall promptly inform the Court whether the parties have  
5 been able to settle this action through private mediation. The Court shall reset  
6 pending motions for hearing consistent with the foregoing if the Court is advised  
7 by the parties that they were unable to reach a settlement.

8

9 DATED: August 10, 2017

10



11

12 Honorable Claudia Wilken  
13 United States District Judge

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28 VASQUEZ, et. al. v. LIBRE BY NEXUS, INC. (CASE NO.: 4:17-cv-00755-CW)  
ON STIPULATED REQUEST FOR STAY AND CONTINUANCE ETC.